

REMARKS

Reconsideration is requested.

Claims 1-5, 8, 10, 15 and 18-21 have been canceled, without prejudice.

Claims 6, 7, 9, 11-14, 16, 17 and 22-26 are pending. Claims 22 and 23 have been withdrawn from consideration. Rejoinder and allowance of claims 22 and 23 with the claims defining the elected products are requested. Support for the amendments are found throughout the specification and Sequence Listing. Claims 24-26 have been added and find support, for example, in the disclosure at page 6, lines 13-20, and page 18, line 26 through page 21. No new matter has been added.

The objection to claims 6, 7, 9, 11-14, 16 and 17, stated on page 3 of the Office Action dated August 22, 2007 is believed to be obviated by the above amendments. Withdrawal of the objection is requested.

The Rule 75 objection to claim 16 is believed to be obviated by the above amendments. Withdrawal of the objection is requested.

The Section 112, second paragraph, rejection of claims 7, 9, 13, 14, 16 and 17, stated on pages 3-4 of the Office Action dated August 22, 2007 is believed to be obviated by the above amendments. Withdrawal of the rejection is requested.

The Section 112, second paragraph, rejection of claim 9 stated on page 4 of the Office Action dated August 22, 2007 is not understood as claim 9 is not believed to include the "or" of the quoted phrase but rather "of" as recited above. Claim 9 is believed to be definite. Withdrawal of the rejection is requested.

The Section 112, first paragraph "written description", rejection of claims 6 and 11-13 is believed to be obviated by the above amendments. The specification is believed to teach a representative number of species within the claimed genus such that one of ordinary skill will appreciate that the applicants were in possession of the claimed invention at the time the application was filed. Withdrawal of the rejection is requested.

The Section 112, first paragraph "enablement", rejection of claims 6, 7, 11-13 and 16 is believed to be obviated by the above amendments. The specification is believed to teach one of ordinary skill in the art how to make and use the claimed invention. The art of recombinant techniques is advanced and the applicants believe one of ordinary skill in the art would require no more than routine experimentation to make and use the claimed invention from the teachings of the specification. Withdrawal of the rejection is requested.

The applicants believe that the Section 102 rejection of claims 13 and 16 Isogai (EP 1308459), is obviated by the above amendments. The applicants submit that the Section 102 rejection of claims 13 and 16 over Isogai (U.S. Patent No. 6,943,241), is obviated by the above amendments. The applicants submit that the Section 102 rejection of claims 13 and 16 over Mao (WO 01/72832), is obviated by the above amendments. The applicants submit that the Section 102 rejection of claims 13 and 16 over GenBank Accession No. AK097681, is obviated by the above amendments. The applicants submit that the Section 102 rejection of claims 6, 11, 12, 13 and 16 over Kawar (Journal of Biological Chemistry, September 20, 2002, Vol. 277, No. 38, pp

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34924-34932),, is obviated by the above amendments. Withdrawal of the Section 102 rejections are requested. The nucleic acid which encodes the protein of claim 6, for example, is believed to be distinct from the protein disclosed in Kavar. The claims are submitted to be patentable over the cited art.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

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